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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,985	12/21/2001	Brad Smith	11995-3	8134
1059	7590	10/03/2006	EXAMINER	
BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA			LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,985

Applicant(s)

SMITH ET AL.

Examiner

DANIEL LASTRA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 have been examined. Application 10/023,985 (INTERACTIVE ADVERTISING SYSTEM AND METHOD) has a filing date 12/21/2001 and Claims Priority from Provisional Application 60257098 (12/22/2000).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Herz (US 6,571,279).

Claim 1, Herz teaches:

An interactive communication system for providing multimedia content to a client on the basis of a characteristic of the client, the interactive communication system comprising:

- (a) a communication server (see col 6, lines 16-34);
- (b) a data communication network linked to said communication server (see col 2, lines 54-67);
- (c) a handheld device linked to said data communications network (see col 7, lines 3-10);

(d) a communication platform linked to said data communication network, comprising:

(i) a memory for storing the multimedia content and a target client characteristic (see col 7, lines 15-50);

(ii) a processor for determining whether the handheld device is within a predetermined distance of the communication platform (see col 7, lines 1-50);

(iii) a receiver for receiving the characteristic of the client (see col 7, lines 1-50); and

(iv) a display for displaying the multimedia content to the client if the handheld device is within a predetermined distance of the communication system and if the client characteristic is the same as the target client characteristic (see col 7, lines 1-50).

Claim 2, Herz teaches:

The interactive communication system of claim 1, wherein the communication platform includes a transmitter for transmitting data to the handheld device (see col 7, lines 1-50).

Claim 3, Herz teaches:

The interactive communication system of claim 1, wherein the communication platform is mounted on a mobile vehicle (see col 8, lines 1-5; col 26, lines 50-60).

Claim 4, Herz teaches:

The interactive communication system of claim 3, wherein the mobile vehicle is a bus (see col 26, lines 50-60).

Claim 5, Herz teaches:

The interactive communication system of claim 1, wherein the communication platform includes means for determining geographical position such that the client can receive information on the geographical location of the communication platform (see col 8, lines 1-25).

Claim 6, Herz teaches:

The interactive communication system of claim 5, wherein the multimedia content is correlated to the client's geographical location (see col 8, lines 1-25).

Claim 7, Herz teaches:

The interactive communication system of claim 5, wherein the means for determining geographical position is a global positioning system (see col 8, lines 1-25).

Claim 8, Herz teaches:

The interactive communication system of claim 5, wherein the means for determining geographical position is a cellular triangulation system (see col 3, lines 35-65).

Claim 9, Herz teaches:

The interactive communication system of claim 1, wherein the client characteristic is selected from the group consisting of age, gender, financial income (see col 5, lines 15-35).

Claim 10, Herz teaches:

The interactive communication system of claim 1, wherein the client characteristic is selected from the group consisting of past purchasing history, general interests (see col 6, lines 17-35).

Claim 11, Herz teaches:

The interactive communication system of claim 1, wherein the handheld device is selected from the group consisting of a personal digital assistant, a keyfob, a smart cell phone, laptop computer, and radio frequency enabled devices (see col 7, lines 3-8; col 8, lines 1-5).

Claim 12, Herz teaches:

The interactive communication system of claim 2, wherein the receiver is also adapted to receive a first set of data signals from the handheld device and the transmitter is adapted to provide a second set of data signals to the handheld device (see col 25, lines 55-67).

Claim 13, Herz teaches:

The interactive communication system of claim 12, wherein the first set of data signals represents a request for a promotional coupon and the second set of data signals represents a promotional coupon (see col 22, lines 45-55; col 26, lines 30-60).

Claim 14, Herz teaches:

The interactive communication system of claim 12, wherein the first set of data signals represents a request for a first Uniform Resource Locator and the second set of data signals represents a second Uniform Resource Locator (see col 25, lines 55-67; "browsing the web").

Claim 15, Herz teaches:

The interactive communication system of claim 14, wherein the first Uniform Resource Locator is the same as the second Uniform Resource Locator (see col 25, lines 55-67).

Claim 16, Herz teaches:

The interactive communication system of claim 1, wherein the receiver is a radio frequency receiver (see col 3, lines 10-35).

Claim 17, Herz teaches:

The interactive communication system of claim 2, wherein the transmitter is a radio frequency transmitter (see col 3, lines 10-35).

Claim 18, Herz teaches:

The interactive communication system of claim 1, wherein the multimedia content is advertising content (see col 5, lines 15-35).

Claim 19, Herz teaches:

The interactive communication system of claim 1, wherein the multimedia content is general interest content (see col 26, lines 30-40).

Claim 20, Herz teaches:

The interactive communication system of claim 1, wherein the handheld device contains programmed instructions to allow the handheld device to:

- (i) communicate with the communication server (see col 6, lines 15-35);
- (ii) display multimedia content to the client (see col 7, lines 1-15);
- (iii) receive client input from the client in response to the multimedia content (see col 26, lines 50-60); and

(iv) transmit the client input to the communication server (see col 26, lines 50-60).

Claim 21, Herz teaches:

The interactive communication system of claim 1, wherein the handheld device is adapted to receive electronic coupons from the communication platform (see col 26, lines 30-40; col 22, lines 40-60).

Claim 22, Herz teaches:

A method for providing multimedia content from a communication platform to a client on the basis of a client characteristic, the method comprising the steps of,

(a) determining whether the client is within a predetermined distance of the communication platform and whether the client characteristic is the same as the target client characteristic (see col 7, lines 1-50); and

(b) if the determinations in (a) are both positive, then displaying the multimedia content to the client (see col 7, lines 1-50).

Claim 23, Herz teaches:

The method of claim 22, wherein step (b) further includes the steps of:

(a) remotely storing the multimedia content and a target client characteristic (see col 7, lines 1-50); and

(b) transmitting the multimedia content to the communication platform for display to the client if the determinations in (a) are both positive (see col 7, lines 1-50).

Claim 24, Herz teaches:

The method of claim 22, wherein the communication platform is mounted on a mobile vehicle (see col 8, lines 1-5).

Claim 25, Herz teaches:

The method of claim 22, wherein the multimedia content is also related to the client's geographical location (see col 8, lines 1-25).

Claim 26, Herz teaches:

The method of claim 22, wherein the multimedia content is also related to the time of day (see col 26, lines 30-35).

Claim 27, Herz teaches:

The method of claim 22, wherein the communication platform includes means for determining the geographical position of the communication platform and means for transmitting the geographical location of the communication platform to the handheld device (see col 8, lines 1-25).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

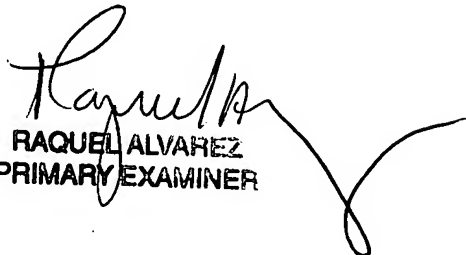
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
September 23, 2006


RAQUEL ALVAREZ
PRIMARY EXAMINER